

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

GOLD RESERVE INC.,

Plaintiff,

v.

BOLIVARIAN REPUBLIC OF
VENEZUELA,

Defendant.

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) Case No 22-mc-00453-UNA
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**DECLARATION OF MATTHEW H. KIRTLAND IN SUPPORT OF
PLAINTIFF GOLD RESERVE INC.'S MOTION FOR A CONDITIONAL ORDER
AUTHORIZING THE ISSUANCE OF A WRIT OF ATTACHMENT *FIERI FACIAS***

I, MATTHEW H. KIRTLAND, hereby declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. I am a partner in the law firm of Norton Rose Fulbright US LLP, which is counsel for Plaintiff and Judgment Creditor Gold Reserve Inc. (“Gold Reserve”) in the above-captioned action.

2. I make this declaration in support of Gold Reserve’s Motion for a Conditional Order Authorizing the Issuance of a Writ of Attachment *Fieri Facias* (“Motion for Writ of Attachment”) filed concurrently herewith.

3. I confirm that notice of Gold Reserve’s Motion for Writ of Attachment was provided by sending true and correct copies of the motion and all supporting documents via FedEx on October 20, 2022 to:

- (a) PDV Holding, Inc. (“PDVH”) c/o Kenneth J. Nachbar, Morris, Nichols, Arsht & Tunnell LLP, 1201 North Market Street, Wilmington, DE 19801;

- (b) PDVH c/o Nathan P. Eimer, Eimer Stahl LLP, 224 South Michigan Avenue Suite 1100 Chicago, IL 60604;
- (c) PDVH c/o its Registered Agent, Corporation Trust Company, 1209 Orange Street, Wilmington, DE 19801;
- (d) Petróleos de Venezuela, S.A. (“PDVSA”) c/o Samuel T. Hirzel, Procter Enerio Gattuso & Hirzel LLP, 300 Delaware Avenue, Suite 200, Wilmington, DE 19801;
- (e) PDVSA c/o Joseph Pizzurro, Curtis, Mallet-Prevost, Colt & Mosle LLP, 101 Park Avenue, New York, NY 10178;
- (f) Bolivarian Republic of Venezuela (“Venezuela”) c/o A. Thomas Bayliss, Abrams & Bayliss LLP, 20 Montchanin Road, Suite 200, Wilmington, DE 19807;
- (g) Venezuela c/o Donald B. Verrilli, Jr. Esq., Munger, Tolles & Olson LLP, 601 Massachusetts Avenue NW, Suite 500E, Washington, DC 20001; and
- (h) Special Attorney General of Venezuela, Enrique Jose Sanchez Falcon, 2409 California St NW, Washington, DC 20008.

4. On September 22, 2014, an arbitral tribunal, constituted under the Additional Facility Rules of the International Centre for Settlement of Investment Disputes (“ICSID”), issued a unanimous award (the “Award”) in favor of Gold Reserve against Venezuela.

5. Attached hereto as Exhibit A is the November 20, 2015 Order (D.I. 41) of the U.S. District Court for the District of Columbia denying Venezuela’s Motion to Dismiss, granting Gold Reserve’s Petition to Confirm Arbitral Award, confirming the Award, and entering judgment for

Gold Reserve and against Venezuela (the “Judgment”), *Gold Reserve Inc. v. Bolivarian Republic of Venezuela*, Case No. 1:14-cv-02014-JEB (D.D.C.).

6. Attached hereto as Exhibit B is the November 20, 2015 Memorandum Opinion (D.I. 42) that accompanied Exhibit A.

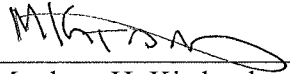
7. The formula for calculating the amount due under the Judgment is set out on page 1 of Exhibit A. The amount due, as of the date of Judgment, was \$740,331,576.00. As of the present date, additional amounts are due in consequence of the post-award interest that has continued, and will continue, to accrue on the total amount of the Award, inclusive of pre-award interest, at a rate of LIBOR plus 2%, compounded annually, from September 22, 2014, until payment in full.

8. On June 21, 2017, the U.S. Court of Appeals for the District of Columbia Circuit dismissed Venezuela’s appeal of the Judgment.

9. Attached hereto as Exhibit C is the January 20, 2016 Order (D.I. 48) of the U.S. District Court for the District of Columbia granting Gold Reserve’s motion filed pursuant to 28 U.S.C. § 1610(c) of the FSIA, and holding that the requisite “reasonable period of time” had elapsed following entry of the Judgment such that Gold Reserve could proceed to attachment and execution against Venezuela.

10. No motions or appeals are pending in the District of Columbia proceedings.

Executed on October 20, 2022, in Washington, DC.


Matthew H. Kirtland